

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400322-DLC

Comment Period: 12/10/2003 through 12/25/2003

Project Manager: Deanna L. Cummings deanna.l.cummings@usace.army.mil

Applicant

John Schafer
Warm Springs Investments Ltd
4100 Newport Place, Suite 800
Newport Beach, California 92660

Contact

MJ Klinefelter
Attn: Mike Klinefelter
40935 County Center Dr., Suite D
Temecula, CA 92591

Location

The proposed impacts would occur in an unnamed tributary to the Tualota Creek in the French Valley area of Riverside County, California. The proposed housing development would be constructed on 166 acres southwest of the Auld Road and Pourroy Road intersection. (at: lat:33-34-54.5520 lon:117-6-7.2720)

Activity

The applicant proposes to construct a residential development comprised of 421 single-family residential lots, 170 multi-family units, a 10.0 acre school site, a 7.7 acre recreation area, and 2.8 acres of open space. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200400322-DLC
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: deanna.l.cummings@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant obtained water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board, on November 6, 2001. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The applicant proposes to construct Tentative Tract 28695, a residential development on 166 acres of land with 421 single-family residential lots, one multi-family residential lot consisting of 170 units, one 10.0 acre school site, a 7.7 acre of recreational area, and 2.8 acres of open space. The proposed project would impact 0.291-acre of Corps jurisdiction, which is the total onsite Corps jurisdiction, none of which are wetlands.

Additional Project Information

Permitting - The proposed project would impact 0.291 acre of ephemeral waters of the United States. This figure is based on impacts described in the pre-construction notification (PCN) submitted on behalf of the project on June 18, 2001. The Corps published Issuance of Nationwide Permit; Notice (67 FR 2020) on January 15, 2002 stating that nationwide permit 39 would expire on February 11, 2002. The Corps published Issuance of Nationwide Permit; Notice; Corrections (67 FR 6692) on February 13, 2002 correcting the expiration of nationwide permit 39 to March 18, 2002. On February 27, 2002 the Corps Los Angeles District issued a letter of verification (no. 200200588-DLC) indicating authorization of the proposed project under nationwide permit 39. Nationwide permit 39 subsequently expired on March 18, 2002 and the new nationwide permit 39 became effective. The Corps Los Angeles District issued regional conditions for nationwide permits on April 19, 2002 limiting the use of nationwide 39 within the Murrieta and Temecula Creek watersheds. Because of the timing of the verification letter, the nationwide permit 39 expired 19 days after the letter was issued.

Existing Site Conditions - Topography throughout the majority of the project site is characterized by low rolling hills and a deeply incised drainage located in the southeast corner of the project site (Stream A). The project site has been historically used for dryland farming operations and grazing. The Site is currently being used for the production of non-irrigated grain crops. Vegetation consists primarily of planted grains and non-native grasses. To the north of the property, across Auld Road, and to the south are agricultural and undeveloped lands. Directly adjacent to the Site, along the western property boundary, and to the east across Pourroy Road are single-family residences. Drainage from the Site generally flows in a southerly direction into Tualota Creek, approximately 0.3 mile south of the Site. Tualota Creek is a tributary of Santa Gertrudis Creek, which flows into Murrieta Creek and eventually into the Santa Margarita River.

The vegetation within the project boundaries is dominated by non-native weedy species such as red-stemmed filaree (*Erodium cicutarium*), mustard (*Brassica rapa*), bindweed (*Convolvulus arvensis*), ripgut grass (*Bromus diandrus*), and sparse cocklebur (*Xanthium strumarium*) and western ragweed (*Ambrosia psilostachya*). Native species such as California buckwheat (*Eriogonum fasciculatum*) are sparse and widely scattered throughout the southern portion of the Site. They are concentrated within small rock outcrops and along the property boundary fence lines.

Mitigation - The proposed project involves permanent impacts to Stream A. Permanent impacts associated with Stream A would be mitigated at a 2:1 ratio (0.6 acre) and consist of realignment of the existing stream channel. The realigned streambed will be contained within a 2.75-acre open space that also includes a buffer along the banks and slopes. The mitigation area will be planted with native vegetation and will serve to improve water infiltration and reduce surface runoff entering the realigned stream. Additionally, a vegetated swale will be created along a portion of the southern border of the Site which would treat nuisance flow and runoff derived from the housing tract and would provide additional habitat that currently does not exist on the site.

Purpose and Need as Determined by the Corps - The basic project purpose of the proposed action is residential housing development. This activity is considered a non-water dependent activity. The overall project purpose of the proposed activity is to provide affordable single-family/multi-family residential housing within the Murrieta/Temecula area of southwestern Riverside County.

Alternatives Analysis - The applicant has considered several alternatives. Warm Springs Investments Ltd. evaluated several alternatives for the project including those that largely avoid impacts to Stream A and that preserve a riparian habitat corridor along Stream A. The following alternatives will be evaluated in addition to the proposed project.

a. No Action Alternative

The no action alternative would leave the land undeveloped and Stream A natural. This alternative would not result in a discharge of fill to “waters of the United States,” or “waters of the State.”

b. Onsite Alternatives

Original Development Plan: The original tentative tract map submitted to Riverside County consisted of diverting water into an underground storm drain system where it enters the site. Water would be carried through the Site within the underground drainage system and exit the Site into the natural water course at the southern property boundary.

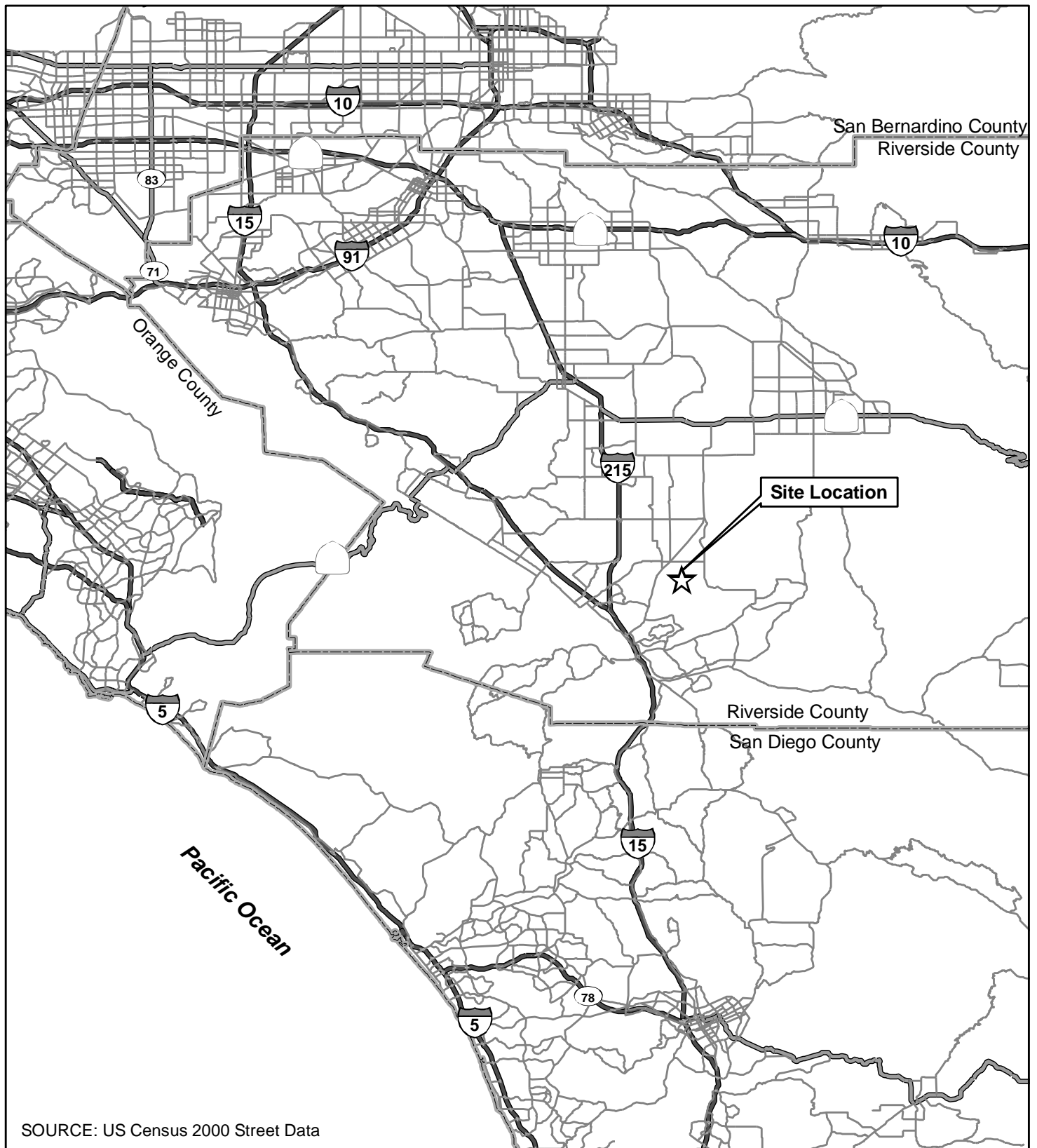
Avoidance of Stream A: This approach involves changing the development of the proposed project to avoid Stream A. In order to completely avoid Stream A, access to the southwestern portion of the site would be restricted and up to 45 lots would be lost. Any development of the Site to include the southeast portion of the property would require crossing some portion of Stream A and an extension of the existing culvert system that delivers water to the property under Pourroy Road.

Preferred Plan: This alternative would provide for development of the project as proposed in this application. The current alignment of Stream A would be completely filled in. However, Stream A would be realigned to provide an open channel with unarmored banks and bottom. In order to provide access from the southeast portion, two road crossings would be required.

Proposed Special Conditions

No special conditions are proposed at this time. However, should the need for special conditions arise based upon the environmental analysis to be conducted, the Corps may include special conditions within the permit.

For additional information please call Deanna L. Cummings of my staff at (213) 452-3289. This public notice is issued by the Chief, Regulatory Branch.



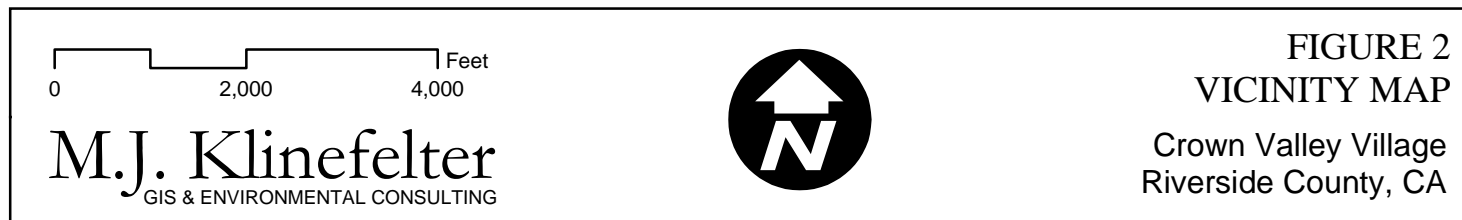
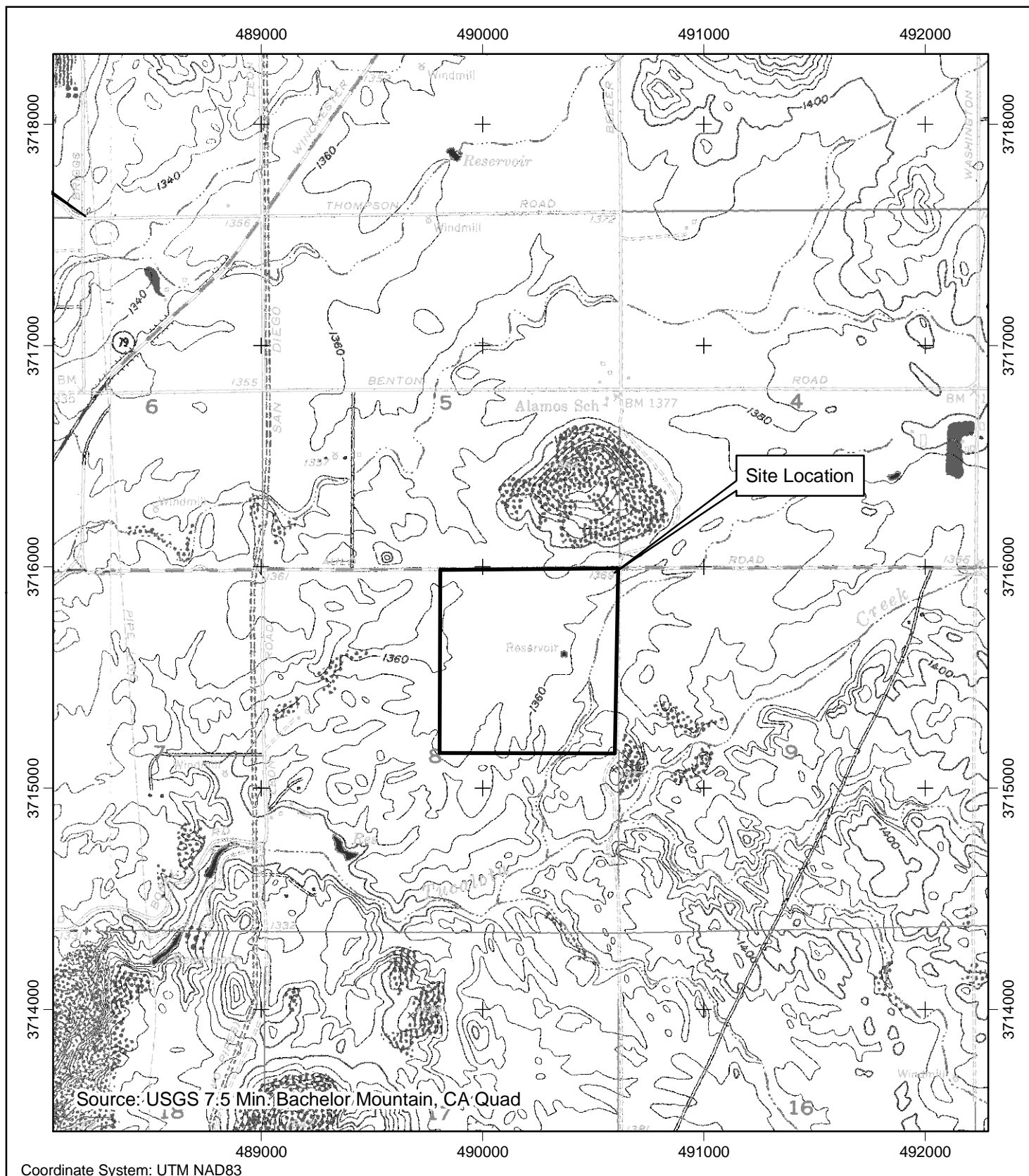
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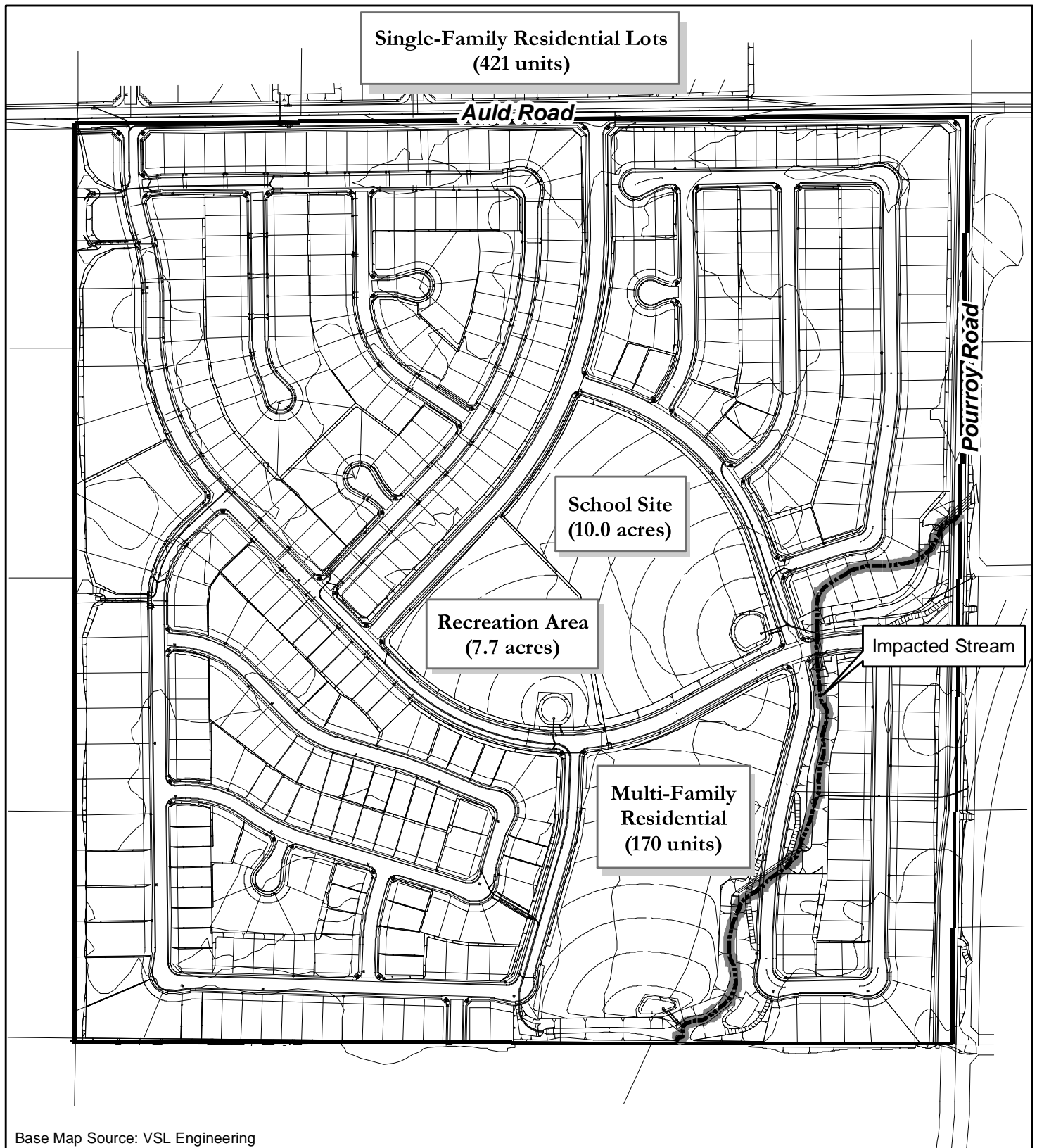
M.J. Klinefelter
GIS & ENVIRONMENTAL CONSULTING



FIGURE 1
REGIONAL MAP

Crown Valley Village
Riverside County, CA





0 400 800 Feet

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FIGURE 3
TRACT MAP

Crown Valley Village
Riverside County, CA

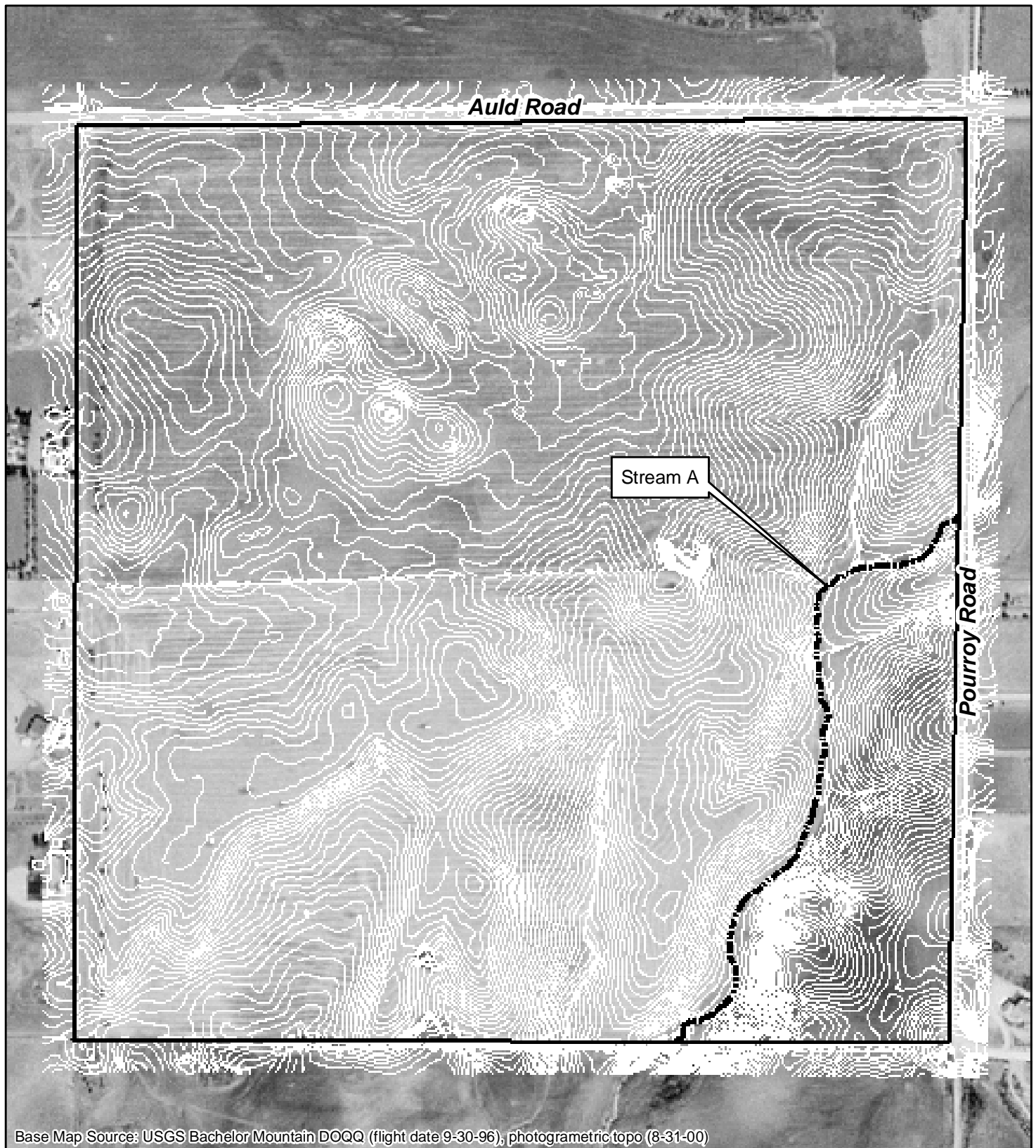


FIGURE 4
SITE MAP

Crown Valley Village
Riverside County, CA

0 400 800 Feet

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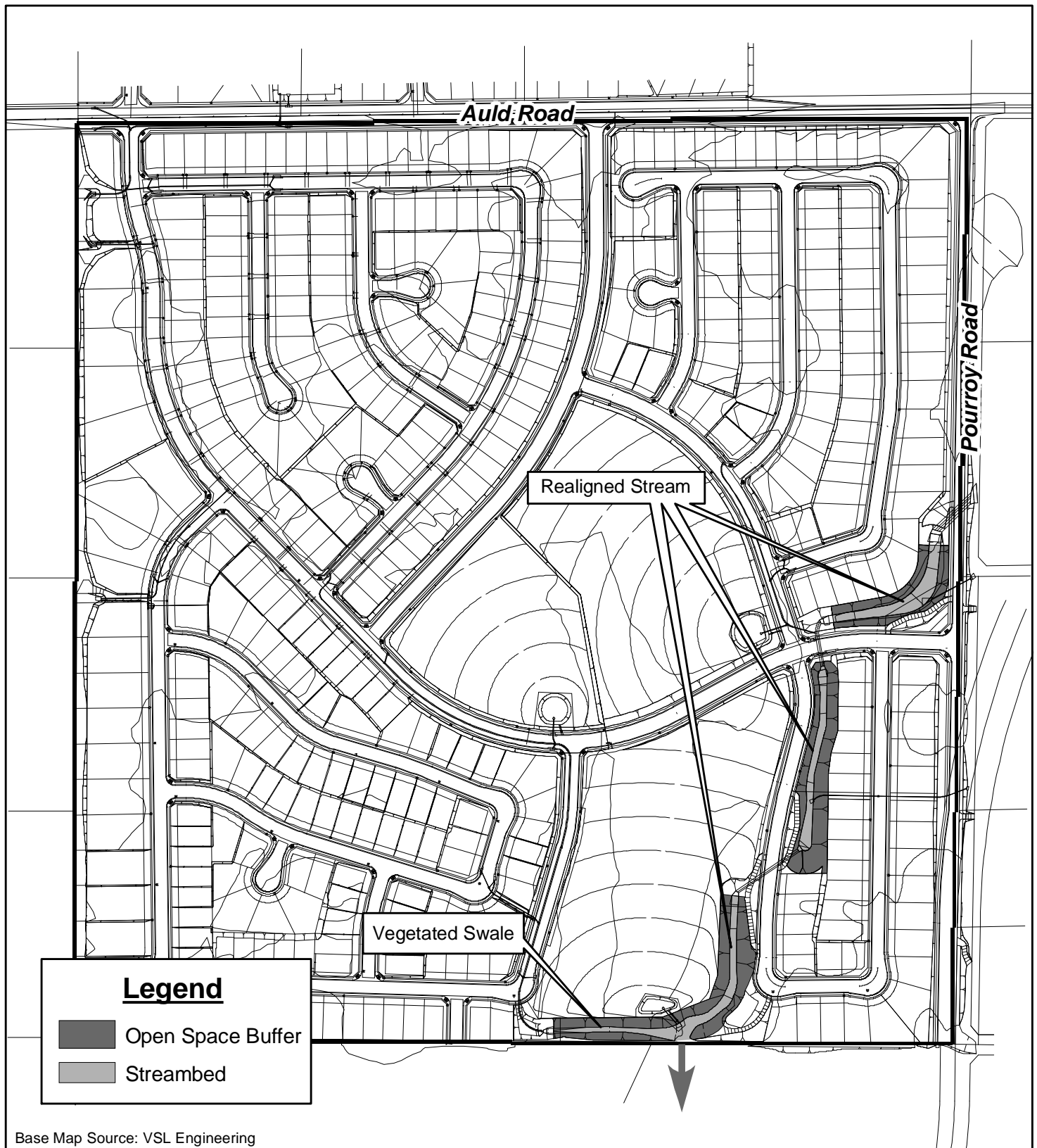


FIGURE 5
MITIGATION MAP
Crown Valley Village
Riverside County, CA

